

REMARKS

Claims 9 through 17 remain pending in the present application. Claims 9, 13 and 17 have been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

REJECTION UNDER 35 U.S.C. §102(b)

The Examiner has rejected Claims 9 through 17 under 35 U.S.C. §102(b) alleging them to be anticipated by Bourke '293. The Examiner alleges that Bourke discloses Applicant's invention.

In the Office Action, the Examiner states:

"293 discloses a power saw comprising a body and a motor housed in the body (please refer to column 5, lines 9 through 12), the motor arranged to power a reciprocable shaft on which a blade for sawing may be mounted;" See Figure 1.

First off, column 5, lines 9 through 12 state:

"In accordance with one embodiment, the drill attachment is adapted for use with a cordless electric or pneumatic drill and has three flush cut features which enable a user to saw in a reciprocating action."

These lines state that the invention relates to a drill attachment. Nowhere does Bourke suggest or disclose that his attachment, adapted for use with the cordless, electric or pneumatic, drill, has a body that includes a motor and reciprocating shaft housed within the body of the shaft adjacent the motor. Further, the Bourke reference fails to disclose or suggest the sole plate having an aperture enabling the blade to pass through the aperture to use the power saw as a jig saw. Further, Bourke's body is not shaped to define a recess within which the pivotal sole plate may sit when in at least one of the plurality of positions. Accordingly, the Bourke reference relied on by the Examiner, which illustrates a drill attachment, as indicated by the Examiner,

does not disclose a power tool with a body including a motor and a reciprocating shaft housed within the body. Thus, the Bourke reference fails to anticipate or obviate Applicant's invention.

Accordingly, Applicant believes Claims 9 through 17 to be patentably distinct over the art cited by the Examiner.

Rejection Under 35 U.S.C. §103(a)

The Examiner rejects Claim 17 as anticipated by Bourke or obvious over Bourke in view of Bradley.

As stated above, the Bourke reference fails to anticipate, disclose or suggest Claim 17 as amended. The Bradley reference fails to remedy the deficiencies of the Bourke reference. Accordingly, the combination relied on by the Examiner fails to disclose or suggest Applicant's invention. Thus, Applicant believes Claim 17 to be patentably distinct over the Examiner's combination.

In light of the above amendments and remarks, Applicant submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at her earliest possible convenience. Should the Examiner have any questions regarding the present application, she should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 

W. R. Duke Taylor
Reg. No. 31,306

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600